

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 22/7946 Installation and operation of a digital advertising monopole sign and removal of six existing static signs on the railway overbridge on Enmore Road, Newtown (Lot 3 DP 239081)
Applicant	Sydney Trains
Consent Authority	Minister for Planning and Public Spaces

Decision

The Deputy Secretary, Development Assessment and Sustainability, under delegation from the Minister for Planning and Public Spaces has, under s.4.16 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's Assessment Report is available [here](#).

Date of decision

2 August 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- the relevant matters set out in section 7.13 of the *Biodiversity Conservation Act 2016*;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report; and
- the findings and recommendations in the Department's Assessment Report.

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project is permissible with development consent under the *State Environmental Planning Policy (Industry and Employment) 2021* and is consistent with NSW Government policies including the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to compliance with applicable Australian Standards, environmental considerations, and maintenance requirements;
- the issues raised by the community, Transport for NSW, Heritage NSW, City of Sydney and Inner West Council during consultation have been considered and adequately addressed through recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Development Application for the project, including the Statement of Environmental Effects, from 14 March 2024 until 28 March 2024 (15 days) on its website. The Department also notified surrounding landholders in writing, Inner West Council, City of Sydney Council, Heritage NSW and Transport for NSW. Twenty-two community submissions were received, all of which objected to the proposed development.

Inner West Council, City of Sydney Council and Heritage NSW objected to the proposed development.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include heritage, design and site suitability, road safety and illumination. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p>Heritage</p> <ul style="list-style-type: none"> • Detracts from the heritage value of the area 	<p>The proposed signage will be a modern element within the King Street and Enmore Road Heritage Conservation Area, and adjacent to the State heritage listed Newtown Railway Station group and Former Newtown Tram Depot.</p> <p>However, it is considered that the juxtaposition is acceptable as the existing landscape is characterised by differing visual elements and architectural styles that are not in keeping with the heritage aesthetics. These include a modern train station and bus stop with advertising, relatively modern commercial and mixed-use buildings opposite the proposed signage, and large steel gantries over the railway line.</p> <p>Further, the proposed development has been amended so that the proposed sign is relocated outside the State heritage curtilage and no longer physically attached to the railway overbridge structure (being an item of State heritage significance). The proposed development as amended will also remove six existing static signs attached to the railway overbridge. The Department considers this would reduce clutter and improve the visual quality of the heritage-listed railway overbridge.</p>
<p>Design and site suitability</p> <ul style="list-style-type: none"> • Inconsistent with the visual identity of the area • Detracts from the amenity and character of the area 	<p>The proposed signage would be in a newly designed portrait style known as the Aspire. The Aspire sign has been architecturally designed and has a modern aesthetic, with an L-shaped pole rather than the more conventional straight monopole design.</p> <p>The amended design has addressed design issues raised by the Department on the scale of the structure by reducing the depth of the sign by 1.05 metres to 0.45 metres. Additionally, exterior elements including an access gantry and ladder have been removed from the design. The proposed signage has a simple, modern design and is unlikely to detract from the aesthetic value of the area which is characterised by a mixture of heritage and modern commercial, residential and railway buildings, road and rail infrastructure and business signage.</p> <p>The Department considers that the proposed location is suitable as the proposed signage will be located in a railway corridor surrounded by mixed development and will not have a significant impact on the local landscape character which is highly urbanised.</p>
<p>Road safety</p> <ul style="list-style-type: none"> • Potential for driver distraction resulting in an increased risk of accidents 	<p>The face of the proposed signage would be visible to traffic heading west along Enmore Road. The development application assessed the safety aspects of the proposed signage. The SSA concluded:</p> <ul style="list-style-type: none"> • the sign would be located 75 metres beyond the intersection. • would not obstruct a driver's view of the intersection. • a low risk of drivers being distracted by the proposed sign as they approach the signalised intersection. <p>Further, the Applicant has proposed a minimum dwell time (duration of display) of 60 seconds, complying with the requirement of the <i>2017 Guidelines</i> for a minimum dwell time of at least 10 seconds. This is consistent with the advice received from TfNSW and is supported by the Department.</p> <p>The Department is satisfied that the proposed signage would comply with the <i>2017 Guidelines</i> and the requirements of the Industry and Employment SEPP. As such, the Department considers that the proposed signage would not pose a significant increase in road safety risk.</p> <p>Recommended conditions/response:</p>

	<ul style="list-style-type: none"> • A Road Safety Assessment must be undertaken between 12-18 months after the proposed signage is operational. • Signage content must not contain advertising that can be mistaken for a traffic control device. • Signage content must be in accordance with the road safety guidelines for sign content set out in <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (Department of Planning and Environment, 2017). • An electronic log of the sign's activities must be maintained. • Message sequencing designed to make a driver anticipate the next message is prohibited.
Illumination <ul style="list-style-type: none"> • Light spill onto nearby residents 	<p>The proposed signage would be illuminated by LEDs and operated 24 hours per day. Brightness of the LEDs would be controlled to provide upper and lower limits, as well as set automatically via a local light sensor to adjust to ambient lighting conditions.</p> <p>The Department considers the illumination impacts are acceptable provided that the proposed signage is programmed to not exceed the maximum Zone 4 luminance criteria stipulated in the 2017 Guidelines and the Australian Standard AS/NZS 4282:2023.</p> <p>Recommended conditions/response:</p> <ul style="list-style-type: none"> • The LED advertising screen must not exceed the maximum vertical illuminance limit, the maximum threshold increment and the maximum upward light ratio for A4 zones in Australian Standard AS/NZS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting. • The LED advertising screen must comply with the maximum permissible luminance levels for Zone 4 under the 2017 Guidelines. • A luminance strength audit must be undertaken within six months of commencement of operation to ensure compliance with the required luminance levels.